

Response to non-final Office Action dated March 24, 2009

Response dated: September 24, 2009

REMARKS/ARGUMENTS

Claims 1-4, and 7-39 are pending in the application. Claims 1-4, 7-15 and 32-33 have been withdrawn pursuant to a restriction requirement. Reconsideration and a withdrawal of the rejections are respectfully requested in view of the above amendments and the following remarks.

Claim 30 stands rejected under 35 U.S.C. §112 as failing to comply with the written description requirement. This rejection is respectfully but strenuously traversed.

Applicant has amended claim 30 to depend from claim 29.

For these reasons, the section 112 rejection is believed to be obviated. Reconsideration and a withdrawal of the rejection is hereby respectfully requested.

Claims 16, 19-21, 26-31 and 36-39 stand rejected under 35 U.S.C. 103(a) as being obvious over Morely (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references. The Office Action contends that Morley discloses shells. However, the Office Action recognizes that Morley is deficient because it does not recite inserting its shell into a fryer submerging it in oil, and providing at least two shells, where the shell is heavy enough to sink. The Office Action then attempts to then consider that it would be obvious to use plural shells of Morley to provide for greater production and that because fryer baskets

would be plural food holding members where food is held simultaneously. The Office Action considers that it would have been obvious to incorporate the fryer heat source of Guyon into the method of Morley.

The present invention is not obvious over the cited references. First, Applicant disagrees with the statements made in the Office Action that greater production rate would be something that the references, namely, Morley would support.

This is not what the Morley reference actually discloses, but rather, is something that the Office Action imposes on its own.

The present claims distinguish the Applicant's present invention over the cited references. Claim 16 includes, *inter alia*, the steps of:

- placing said shell containing the food desired to be cooked in a frying apparatus said frying apparatus comprising a second environment, said second environment containing liquid cooking media;
- maintaining said shell in said frying apparatus for a sufficient period of time to cook said food and maintaining the food to be cooked in said first environment and maintaining said cooking media in said second environment.

One would not obtain or arrive at the Applicant's present invention from the disclosure of Morley. Morley's disclosure shows two halves of a mold that are brought together, and specifically, Morley desires to not use frying in a grease bath. One of ordinary skill in the art would not learn or find it desirable from Morley's teachings to combine Morley with another reference that would modify Morley to contravene the purpose of Morley, namely to provide a mold that is not immersed in a grease bath.

According to Morley, the grease would be the amount placed in the mold, and not that the mold is immersed in the grease bath. That is the way Morley is distinguishing its invention, by not immersing it in a grease bath.

Guyon et al. relates to cooking of discrete food items, such as meats (e.g., hamburger), fish, fowl (see Guyon et al. at col. 3, lines 31-43), and discuss uniformly cooking these foods (*id.*). Guyon et al. fails to disclose or suggest cooking of dough. Though the Office Action attempts to modify Morley with Guyon, relying on Guyon for teaching of surrounding oil, this is inconsistent with Morley, and the specific disclosure that Morley teaches away from.

For these reasons, the cited combination of references would not provide one of ordinary skill with the Applicant's claimed invention, nor would the references be combinable based on their specific teachings.

Claims 16-20, 26-28 and 36-39 stand rejected under 35 USC 103(a) as being unpatentable over Wilcox (U.S. 1,638,673) in view of Guyon et al. (U.S. 2,244,193). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Applicant's invention is not obvious over the cited references. First, for the same reasons above, the present invention is not disclosed or taught by the cited references of Wilcox and Guyon. Wilcox appears to disclose filling components, namely, the handles 5 and hand holds 6. It would not be obvious let alone practical to immerse the Wilcox mold into a grease bath. This combination would not be practical for the same reasons

Response to non-final Office Action dated March 24, 2009

Response dated: September 24, 2009

already advanced, as, like the other reference, Morley, Wilcox discloses that it would not be used by immersion in a grease bath. Rather, the mold is held over a source of heat – not immersed in grease. The Office Action attempt to modify the reference with Guyon, by placing the Wilcox mold into a grease bath is not what Wilcox is designed to do. The handles would become hot and greasy, and this would be contrary to what the reference discloses, namely, holding part of the mold by hand with handles so that the mold may be held over a heat source, not immersed in one.

For these reasons, the rejection is respectfully traversed.

Claims 16-20, 26-28 and 36-39 stand rejected under 35 USC 103(a) as being unpatentable over Downing (U.S. 3,727,875) in view of Bedel (U.S. D 77,875) and Guyon et al. (U.S. 2,244,193). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Applicant's invention is not obvious over the cited references. The Office Action attempts to combine three references. Again, like other references, the Downing reference does not disclose or suggest immersion of its parts into a fryer and submerging it. Bedel is cited for its alleged alignment of grooves while Guyon is relied on for its alleged teaching that the Office Action seeks to apply to Downing to immerse Downing's mold members 11 into grease.

For the same reasons above, the present invention is not obvious in view of the cited references. Here again, as in the other rejections, the Downing reference relied

Response to non-final Office Action dated March 24, 2009

Response dated: September 24, 2009

upon specifically states that it is greaseless, and that its mold is designed to be placed into an over, not into a fryer where it would be immersed in a grease bath.

The modifications are against the teachings of the references, and are not supported by the reference's disclosure. One would not have been led to immerse the Downing mold parts 11 into grease when the specification specifically designs a product that would be greaseless and baked in an oven.

The modifications proposed come from the Applicant's teachings and not the references.

For these reasons, the rejection should be withdrawn.

Claim 31 stands rejected under 35 USC 103(a) as being unpatentable over Downing (U.S. 3,727,875) in view of Bedel (U.S. D 77,875), Guyon et al. (U.S. 2,244,193) and Morley. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

For the reasons set forth above in response to the other rejections, claim 31 is not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Claims 22-25 stand rejected under 35 USC 103(a) as being unpatentable over Morely (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193) in further view of Aurio. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Response to non-final Office Action dated March 24, 2009

Response dated: September 24, 2009

For the reasons set forth above in response to the other rejections, claims 22-25 are not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Claims 22-25 stand rejected under 35 USC 103(a) as being unpatentable over Downing, in view of Bedel and Guyon in view of Aurio. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

For the reasons set forth above in response to the other rejections, claims 22-25 are not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Claim 34 stands rejected under 35 U.S.C. 103(a) as being obvious over Morely (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193) and further in view of Roberts (U.S. 5,359,924). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references.

For the same reasons set forth above in response to the other rejections, claim 34 is not obvious over the cited references.

Claim 34 stands rejected under 35 U.S.C. 103(a) as being obvious over Downing, in view of Bedel and Guyon et al. (U.S. 2,244,193) and further in view of Roberts (U.S.

5,359,924). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references.

In addition, Applicant's claim 34 provides discrete mold parts and linking thereof. The cited references would not suggest linking the mold parts identified in those references. If Downing were linked, it would be cumbersome, and besides, Downing shows multiple mold recesses on the same mold part. So instead of providing linking, this reference and the other references use multiple mold cavities on the same mold part.

That is not a disclosure of Applicant's claimed invention, and claim 34 is not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Claim 35 stands rejected under 35 U.S.C. 103(a) as being obvious over Morely (US 1,663,719) in view of Guyon et al. (U.S. 2,244,193) and Roberts (U.S. 5,359,924) in further view of Remley (U.S. 3,007,595). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references.

For the same reasons set forth above in response to the other rejections, claim 35 is not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

Claim 35 stands rejected under 35 U.S.C. 103(a) as being obvious over Downing, in view of Guyon et al. (U.S. 2,244,193), Bedel, and Roberts (U.S. 5,359,924) in further view of Remley. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Applicant's invention is not disclosed or suggested by the cited references.

In addition, Applicant's claim 35 provides a method that employs discrete mold parts and linking thereof. The cited references would not suggest linking the mold parts identified in those references, nor the specified method of linking that claim 35 provides.

Again, as pointed out, if Downing were linked, it would be cumbersome, and besides, Downing shows multiple mold recesses on the same mold part. So instead of providing linking, this reference and the other references use multiple mold cavities on the same mold part.

That is not a disclosure of Applicant's claimed invention, and claim 35 is not obvious over the cited references.

Accordingly, withdrawal of the rejection is hereby respectfully requested.

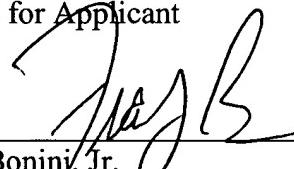
Response to non-final Office Action dated March 24, 2009

Response dated: September 24, 2009

If further matters remain in connection with any of the rejections addressed herein, the Examiner is invited to telephone the Applicant's undersigned representative to hold an interview to discuss them.

If an extension of time is required, the Commissioner is requested to consider this a request for a petition for the appropriate extension of time.

Respectfully submitted,
HARDING, EARLEY, FOLLMER & FRAILEY
JOHN F. A. EARLEY III
FRANK J. BONINI, JR.
Attorneys for Applicant



Frank J. Bonini, Jr.
Registration No. 35,452
P.O. Box 750
Valley Forge, PA 19482-0750
Telephone: (610) 935-2300

Date: 9/24/09